

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

TIMOTHY R. JONES and
JANIE COLE,

Plaintiffs,

v.

CIVIL ACTION NO. 3:19-0618

THE BOARD OF EDUCATION OF
PUTNAM COUNTY, WEST VIRGINIA,
JOHN HUDSON,
SHARLA GRIFFITH,
CANDI HATFIELD,
ALICIA COEY, a/k/a Alicia Powell, and
EDDIE STARCHER,

Defendants.

ORDER

Pending before the Court is a Motion to Dismiss filed by Defendants Putnam County Board of Education (“PCBOE”), John Hudson, Sharla Griffith, and Candi Hatfield. *Mot. to Dismiss*, ECF No. 15. Defendants argue that Plaintiffs Timothy R. Jones and Janie Cole have failed to state a claim upon which relief may be granted, and that this action should therefore be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. *Mem. in Support of Mot. to Dismiss*, ECF No. 16. Plaintiffs disagree, arguing that Defendants’ motion is rendered moot by an amended complaint they filed on October 3, 2019. *Resp. in Opp’n*, ECF No. 18.


Under Rule 15(a) of the Federal Rules of Civil Procedure, “[a] party may amend its pleading once as a matter of course within 21 days after serving it, or . . . 21 days after service of a responsive pleading.” Here, Defendants Alicia Coey and Eddie Starcher filed their Answer on September 13, 2019. *Answer*, ECF No. 10. Plaintiffs filed their First Amended Complaint on

October 3, 2019, only twenty days into the twenty-one-day period permitted by the Federal Rules. *See First Am. Compl.*, ECF No. 17. The First Amended Complaint thus replaces Plaintiff's original complaint, and renders it a nullity. *See Fawzy v. Wauquiez Boats SNC*, 973 F.3d 451, 453 (4th Cir. 2017). Indeed, "[i]t is well-settled that a timely filed amended pleading supersedes the original pleading, and that motions directed at superseded pleadings are to be denied as moot." *Skibbe v. Accredited Home Lenders, Inc.*, No. 2:08-cv-01393, 2014 WL 2117088, at *3 (S.D.W. Va. May 21, 2014) (citing *State Farm Fire & Cas. Co. v. Kudas*, No. 3:10-cv-545-RJC-DCK, 2011 WL 1830399, at *1 (W.D.N.C. May 12, 2011)); *see also Young v. City of Mount Rainer*, 238 F.3d 451, 455 (4th Cir. 2017) (reasoning that "an amended pleading supersedes the original pleading, rendering the original pleading of no effect").

Plaintiffs' First Amended Complaint was timely filed and thus supersedes their original Complaint. Accordingly, Defendants' Motion to Dismiss, ECF No. 15, is **DENIED AS MOOT**. The Court does not foreclose Defendants from seeking relief pursuant to Rule 12(b)(6) with reference to Plaintiffs' Amended Complaint.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: October 17, 2019



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE